INTRODUCTION TO ADR

The Naval Air Warfare Center Aircraft Division (NAWCAD) has established an Alternative Dispute Resolution (ADR) as an alternative method for resolving Equal Employment Opportunity (EEO) discrimination complaints. ADR may be used to resolve EEO discrimination complaints rather than the informal fact-finding EEO discrimination complaint process. The primary method of ADR used is mediation.

MEDIATION

Mediation is an ADRS process in which a Dispute Resolution Official (DRO) assists both the employee who perceives discrimination and the manger or supervisor who created this feeling to arrive at an acceptable settlement of the issue(s). A DRO is an individual trained in the skills of mediation. A mediator can help both parties overcome any awkwardness they might feel and can help get the main problem of the issue. A mediator has no decision-making authority and cannot impose a decision.

Mediation involves working with both parties to improve their relationship and communications, clarifying or interpreting data, identifying key issues to be discussed, uncovering hidden agenda, designing an effective negotiation process, generating possible settlement options and helping to identify and formulate areas of agreement.

ADVANTAGES OF ADR

ADR is an informal process that allows disputes to be resolved in house more timely in a private, non-threatened, win-win atmosphere. This process allows disputants more control over the resolution of their complaints. Some additional advantages of ADR are as follows:

- ✓Improved morale
- ✓Reduced costs
- ✓Process is voluntary for disputants
- ✓Negotiations are enhanced by negotiator
- ✓Process is non-judicial
- ✓Process is more equitable from disputant's viewpoint
- ✓Both parties are more committed to outcome
- ✓Avenue for open communication is created
- ✓Process creates trust
- ✓Process is more diplomatic

IMPLEMENTATION

After an employee who perceives discrimination contacts an EEO Counselor and during the process of completing the Discrimination Complaint Intake Form, the EEO Counselor will explain the ADRS processes including the benefits for choosing it. If the employee elects to use an ADR process, he/she will be referred to the Site EEO Manager to get it started. Even though the employee elects to use an ADRS process, the EEO Counselor will conduct preliminary fact-finding if necessary and present it to the Site EEO Manager to be used. Once the process has begun, the Site EEO Manager will monitor it to ensure that it is moving along in a timely manner. The process must be completed within 60 days. If the process is not successful in resolving the complaint, the EEO Counselor will still have 30 days in which to conduct fact-finding and facilitate resolution of the complaint through the informal EEO discrimination process. If resolution of the complaint still does not take place, the EEO counselor will conduct the final interview and issue the Notice of Final Interview. The employee then has the right to file a formal discrimination complaint and proceed to an investigation and subsequent steps in the complaint process. Even if the ADRS is not successful, the issues surrounding the employee's feelings of discrimination will be better focused and should result in a

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http://hro.navair.navy.mil

CLICK ON THE EEO LINK

FAQ

Q: Is mediation a requirement?
A: No, mediation is a voluntary process. If one or more parties involved declines mediation, the charges will be processed like any other charges.

Q: Are all charges eligible for mediation?
A: No. Mediation takes place on a case-to-case basis. Mediation is considered based on factors including nature of the case, relationship of the parties, complexity of the case, and relief sought by the party.

Q: Where do mediation sessions take place?
A: After consulting parties involved, an EEO Specialist will arrange a time and place that is mutually agreed upon. In most cases, mediation takes place in a conference room close to the EEO Office.

Q: **How long does mediation take place?**
A: Mediation is a means of resolving conflict that saves time and money. Most conflicts are resolved in one session. This session usually lasts from one to five hours.

Q: Is the mediation process confidential?
A: Yes. The mediator and parties must sign agreements that the information discussed is confidential. Sessions are not transcribed or recorded. Notes, documents, and records are later destroyed.

Q: Are parties required to pay for mediation?
A: No

Q: Does mediation work?

ALTERNATIVE DISPUTE RESOLUTION

An Alternative Method For Resolving EEO Discrimination Complaints

NAVAIR